

Message

From: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Sent: 5/12/2017 6:51:19 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]; Robinson, Jeffrey [Robinson.Jeffrey@epa.gov]
CC: Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Tripathi, Arati [Tripathi.Arati@epa.gov]
Subject: Re: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Dorka, Lilian
Sent: Thursday, May 11, 2017 9:41:42 PM
To: O'Lone, Mary; Keeler, Katsumi; Robinson, Jeffrey
Cc: Temple, Kurt; McGhee, Debra; Keeler, Katsumi; Tripathi, Arati
Subject: Re: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Thanks Mary this is very helpful! Katsumi please take a look asap
I am also including Region 6 colleagues. Jeff can you please take a look and let us know if you are comfortable w language that was added? Thanks!

Sent from my iPhone

On May 11, 2017, at 5:24 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Deliberative Process/ Atty Client / Ex. 5

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, May 11, 2017 5:19 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
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All-
A quick review of the draft agreement.

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From: Caroline Sweeney [<mailto:caroline.sweeney@tceq.texas.gov>]

Sent: Thursday, May 11, 2017 3:22 PM

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Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie <Kordzi.Stephanie@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Amy Browning <amy.browning@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>

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Please let us know if you have questions.

Thanks-Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services
12100 Park 35 Circle, Bldg. A, Austin, Texas 78753 | Mail: MC-218, P.O. Box 13087, Austin, Texas 78711-3087
Phone: 512/239-0665 | Fax: 512/239-0606 | Agency website: <http://www.tceq.texas.gov/>

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Sent: Thursday, May 04, 2017 11:08 AM

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Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Importance: High

Hi Caroline, would you be available 2:30 CDT tomorrow (3:30 Eastern)?

Lilian Sotolongo Dorka
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

From: Dorka, Lilian

Sent: Wednesday, May 03, 2017 9:39 PM

To: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>

Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie

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WJC-N Room 2450

From: Caroline Sweeney [<mailto:caroline.sweeney@tceq.texas.gov>]
Sent: Friday, April 28, 2017 5:28 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie <Kordzi.Stephanie@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Thanks for your patience – we'll make it a priority next week.

From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Friday, April 28, 2017 8:45 AM
To: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>
Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie

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Hello Caroline, hope you are doing well! I am circling back and checking
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Thank you Kurt - we'll review and get back with y'all.

On Apr 14, 2017, at 2:17 PM, Temple, Kurt
<Temple.Kurt@epa.gov> wrote:

Hello Ms. Sweeney. Hope you are doing well. Attached
you will find a revised draft informal resolution
agreement for your review. Pursuant to our previous
discussion, we have added some revised language and
noted that where appropriate with some highlighting
and comment boxes. Also, you will see that we have
noted places for the insertion of proposed language
from TCEQ. Thank you and we look forward to further
conversation.

Have a good weekend.

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524B
Washington, D.C. 20460
202-564-7299

<TCEQ DRAFT INFORMAL RESOLUTION
AGREEMENT 4.14.17.docx>

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT
5.3.17.docx>

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 5/12/2017 2:45:45 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
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Ex. 5 Deliberative Process (DP)

Debra E. McGhee

Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

“Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.” ~ Martin Luther King, Jr. , 18th April, 1959

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Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie <Kordzi.Stephanie@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Dorka, Lillian <Dorka.Lillian@epa.gov>
Subject: Re: Title VI Beaumont: Revised Draft Informal Resolution Agreement

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External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524B
Washington, D.C. 20460
202-564-7299

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT
4.14.17.docx>

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT 5.3.17.docx>

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 5/11/2017 9:24:05 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Deliberative Atty Client / Ex. 5

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, May 11, 2017 5:19 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
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All-

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Sent: Thursday, May 11, 2017 3:22 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie <Kordzi.Stephanie@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Amy Browning <amy.browning@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>

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Phone: 512/239-0665 | Fax: 512/239-0606 | Agency website: <http://www.tceq.texas.gov/>

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Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Importance: High

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Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

From: Dorka, Lilian

Sent: Wednesday, May 03, 2017 9:39 PM

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Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie

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Subject: FW: Title VI Beaumont: Revised Draft Informal Resolution Agreement
Attachments: TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT 5.10.17.docx

All-

Deliberative Atty Client / Ex. 5

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External Civil Rights Compliance Office
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1200 Pennsylvania Avenue, NW
Room 2524B
Washington, D.C. 20460
202-564-7299

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT
4.14.17.docx>

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT 5.3.17.docx>

Message

From: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Sent: 5/4/2017 5:48:09 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
CC: Redden, Kenneth [Redden.Kenneth@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

Ex. 5 Deliberative Process (DP)

From: O'Lone, Mary
Sent: Wednesday, May 03, 2017 6:47 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Redden, Kenneth <Redden.Kenneth@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
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Ex. 5 Deliberative Process / Atty Client

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Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
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Sent: Wednesday, May 03, 2017 6:05 PM

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To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: RE: Title VI Beaumont: Revised Draft Informal Resolution Agreement

I can do 4 today & 3 by phone tomorrow

Thanks, Mary

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Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5471 - WJC North 7318B

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Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

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Sent: Wednesday, May 03, 2017 6:05 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Kordzi, Stephanie <Kordzi.Stephanie@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Amy Browning <amy.browning@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>
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202-564-7299

<TCEQ DRAFT INFORMAL RESOLUTION AGREEMENT
4.14.17.docx>

Message

From: Redden, Kenneth [Redden.Kenneth@epa.gov]
Sent: 5/4/2017 2:36:34 AM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
CC: O'Lone, Mary [OLone.Mary@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]
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Sent: 5/3/2017 10:46:42 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
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To: Dorka, Lilian [Dorka.Lilian@epa.gov]
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From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 4/6/2017 7:07:24 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: RE: Title VI Beaumont: Revised Language from Region 6 for Section II-F

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Debra E. McGhee

Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

“Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.” ~ Martin Luther King, Jr. , 18th April, 1959

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To: Tripathi, Arati <Tripathi.Arati@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: Title VI Beaumont: Revised Language from Region 6 for Section II-F

Perfect timing!

Debra E. McGhee

Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

“Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.” ~ Martin Luther King, Jr. , 18th April, 1959

From: Tripathi, Arati

Sent: Thursday, April 6, 2017 12:09 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>

Subject: Title VI Beaumont: Revised Language from Region 6 for Section II-F

Importance: High

Hi Lilian,

Ex. 5 Deliberative Process (DP)

Thank you,

Arati Tripathi

Office of Regional Counsel, Air Enforcement Branch (6RC-EA)

U.S. Environmental Protection Agency, Region 6

1445 Ross Avenue

Dallas, TX 75202

P: 214-665-7404

From: Dorka, Lilian

Sent: Tuesday, April 04, 2017 8:57 AM

To: Coleman, Sam <Coleman.Sam@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi

<Keeler.Katsumi@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>

Subject: FW: Title VI - Beaumont

Importance: High

Ex. 5 Deliberative Process (DP)

Lilian Sotolongo Dorka
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

From: Caroline Sweeney [<mailto:caroline.sweeney@tceq.texas.gov>]

Sent: Monday, April 03, 2017 5:43 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Amy Browning <amy.browning@tceq.texas.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; McGhee, Debra <mcghee.debra@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: Title VI - Beaumont

Hi there,

Thanks for the productive conversation on Friday. As promised, the following is what I have as the to-dos moving forward. Please let me know if y'all have anything different. The references to pages/paragraphs are from the version y'all sent back to us on March 29th.

Page 2, Paragraph D – TCEQ will propose language, especially stressing making info more accessible to the public.

Page 3, end of Paragraph E – EPA will propose language, possibly using specific data.

Page 4, Paragraph I – EPA will propose language if needed to better reflect complainants' requests in this regard.

Page 4, Paragraph A - EPA will propose language on meeting(s) etc.

Page 4 – TCEQ will propose language on adding H2S monitor with background info; likely for the background section instead. Also, will check on data availability (i.e, "real time").

Page 5, Deleted Paragraph C – EPA will propose language if needed.

Page 6, Procedural Safeguards – EPA will draft language to go in background section. TCEQ to check New Mexico's website.

Page 7, end of Paragraph A – EPA will get back to TCEQ about deleted language.

Thanks-Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services
12100 Park 35 Circle, Bldg. A, Austin, Texas 78753 | Mail: MC-218, P.O. Box 13087, Austin, Texas 78711-3087
Phone: 512/239-0665 | Fax: 512/239-0606 | Agency website: <http://www.tceq.texas.gov/>

From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Wednesday, March 29, 2017 3:30 PM
To: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>
Cc: Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Amy Browning <amy.browning@tceq.texas.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Jackie Heinemann <Jackie.Heinemann@Tceq.Texas.Gov>; McGhee, Debra <mcghee.debra@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Title VI - Beaumont

Hello Caroline, hope you are well. In anticipation of our call on Friday, attached please find a copy of the redlined version of the draft Informal Resolution Agreement that you sent to us – with our annotations indicating where we are fine with your edits or we need further discussion. Looking forward to our call on Friday. Thanks! Lilian

Lilian Sotolongo Dorka
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

From: Caroline Sweeney [<mailto:caroline.sweeney@tceq.texas.gov>]
Sent: Thursday, March 16, 2017 10:24 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Amy Browning <amy.browning@tceq.texas.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Jackie Heinemann <Jackie.Heinemann@Tceq.Texas.Gov>
Subject: Re: Title VI - Beaumont

Thanks Mary - I had actually sent some possible meeting times to Cheryl earlier today before your voicemail but they were for the week of the 20th rather than the 27th. Let us coordinate internally tomorrow and I'll send some possible times for the week of the 27th.

Additionally, below please find a link to our revised Environmental Equity web page. We're also working on a direct link to the revised page from our main TCEQ web page.

<https://www.tceq.texas.gov/agency/hearings/envequ.html>

We look forward to receiving your comments on the draft agreement.

Thanks - Caroline

On Mar 16, 2017, at 4:56 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Caroline-

I am following up on the voicemail I left you earlier today. We would like to schedule a call with you early the week of March 27th to discuss the draft informal resolution agreement, the changes to your website related to your non-discrimination program that you thought would be live by the end of this week, & other issues related to the Beaumont community.

Next week in preparation for that call, we plan to send an annotated version of the draft agreement that you sent highlighting areas where we would like to have more discussion.

I am out of the office tomorrow and Monday, but you can respond to this email & Kurt Temple will follow up with you to get the call set up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>

Sent: Friday, March 3, 2017 5:16 PM

To: Dorka, Lilian; O'Lone, Mary; Seager, Cheryl

Cc: Margaret Ligarde; Amy Prescott; Amy Browning; Bridget C. Bohac; Ramiro Garcia

Subject: RE: Title VI - Beaumont

Good afternoon,

Attached please find our proposed language for the informal resolution agreement on this matter. Additionally, I've included some clarifications/additional items below:

- 1) We would still like to meet personally with the complainants. Even if this doesn't resolve the matter, it is a chance for us to try to build relationships in the community.

- 2) As to our current non-discrimination program, we would prefer to handle that separately from this distinct complaint. In response to your comments on our website, we have made what we think are very positive changes and hope to go live with those in the next two weeks. We'll share links with you when that happens.
- 3) While this is very preliminary, we are currently looking at what it would take to add H2S monitoring to our monitor location near the ExxonMobil facility in Beaumont. The air monitor we refer to as Beaumont Mary has to be relocated because of site lease issues, though we have already entered into a new site lease. There's two obvious challenges we see to adding H2S monitoring: 1) funding during what are difficult budget times for us; and 2) if H2S monitoring is included, the needed pad size would have to increase from 20 x 20 to 40 x 40 and if this were possible, the new site lease would need to be renegotiated based on that change. We ask that you not share this information since it is so very preliminary.

We look forward to further discussions to resolve this issue. Hope y'all have a good weekend!

Regards,
Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services
12100 Park 35 Circle, Bldg. A, Austin, Texas 78753 | Mail: MC-218, P.O. Box 13087, Austin, Texas 78711-3087
Phone: 512/239-0665 | Fax: 512/239-0606 | Agency website: <http://www.tceq.texas.gov/>

From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]
Sent: Monday, February 06, 2017 8:34 PM
To: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Amy Browning <amy.browning@tceq.texas.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
Subject: Re: Title VI - Beaumont

Thanks very much Caroline! Really appreciate the attachments and look forward to getting your response to the draft agreement by the 22nd.

We were wondering if you could also share the summary of the last five years of complaints that Sarah discussed? Thanks again!

Sent from my iPhone

On Feb 6, 2017, at 5:30 PM, Caroline Sweeney <caroline.sweeney@tceq.texas.gov> wrote:

Good afternoon,

Attached please find the manual/protocol we discussed earlier today in regard to how the region handles environmental complaints. Additionally, we plan to respond to the written agreement you previously sent to TCEQ by February 22nd.

Regards,

Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services

<ComplaintManual.pdf>

<Odor Investigation Protocol.pdf>

Message

From: Caroline Sweeney [caroline.sweeney@tceq.texas.gov]
Sent: 3/3/2017 10:16:40 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]
CC: Margaret Ligarde [margaret.ligarde@tceq.texas.gov]; Amy Prescott [Amy.Prescott@Tceq.Texas.Gov]; Amy Browning [amy.browning@tceq.texas.gov]; Bridget C. Bohac [Bridget.C.Bohac@tceq.texas.gov]; Ramiro Garcia [ramiro.garcia@tceq.texas.gov]
Subject: RE: Title VI - Beaumont
Attachments: Draft Informal Resolution Agreement Beaumont_2.22.17.docx

Good afternoon,

Attached please find our proposed language for the informal resolution agreement on this matter. Additionally, I've included some clarifications/additional items below:

- 1) We would still like to meet personally with the complainants. Even if this doesn't resolve the matter, it is a chance for us to try to build relationships in the community.
- 2) As to our current non-discrimination program, we would prefer to handle that separately from this distinct complaint. In response to your comments on our website, we have made what we think are very positive changes and hope to go live with those in the next two weeks. We'll share links with you when that happens.
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Regards,
Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services
12100 Park 35 Circle, Bldg. A, Austin, Texas 78753 | Mail: MC-218, P.O. Box 13087, Austin, Texas 78711-3087
Phone: 512/239-0665 | Fax: 512/239-0606 | Agency website: <http://www.tceq.texas.gov/>

From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Monday, February 06, 2017 8:34 PM
To: Caroline Sweeney <caroline.sweeney@tceq.texas.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Margaret Ligarde <margaret.ligarde@tceq.texas.gov>; Amy Prescott <Amy.Prescott@Tceq.Texas.Gov>; Amy Browning <amy.browning@tceq.texas.gov>; Bridget C. Bohac <Bridget.C.Bohac@tceq.texas.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
Subject: Re: Title VI - Beaumont

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Sent from my iPhone

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Regards,

Caroline

Caroline M. Sweeney | Deputy Director | TCEQ Office of Legal Services
12100 Park 35 Circle, Bldg. A, Austin, Texas 78753 | *Mail:* MC-218, P.O. Box 13087, Austin, Texas 78711-3087
Phone: 512/239-0665 | *Fax:* 512/239-0606 | *Agency website:* <http://www.tceq.texas.gov/>

<ComplaintManual.pdf>

<Odor Investigation Protocol.pdf>

INFORMAL RESOLUTION AGREEMENT
between the
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
and the
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OCR Complaint No. 01R-00-R6

I. PURPOSE AND JURISDICTION

- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI), and United States Environmental Protection Agency's (EPA) regulations at 40 C.F.R. Part 7 prohibit discrimination on the basis of race, color, or national origin in any programs or activities receiving federal financial assistance. The Texas Commission on Environmental Quality (TCEQ, formerly the Texas Natural Resource Conservation Commission) is a recipient of federal financial assistance from the EPA and is subject to the provisions of Title VI and 40 C.F.R. Part 7.
- B. On December 21, 2000, EPA accepted complaint No. 01R-00-R6, brought under Title VI and EPA's regulations at 40 C.F.R. Part 7, that alleged discrimination based on race in violation of Title VI. In response to the complaint, EPA began an investigation of TCEQ's compliance with Title VI and EPA regulations. During the course of EPA's investigation, TCEQ agreed to enter into an informal resolution agreement in order to resolve this complaint.
- C. This Informal Resolution Agreement is entered into by the Texas Commission on Environmental Quality and the EPA's Office of Civil Rights (OCR).
- D. This Informal Resolution Agreement is entered into pursuant to the authority granted EPA under the federal non-discrimination laws, including Title VI of the Civil Rights Act of 1964, and EPA regulations found at 40 C.F.R. Part 7, resolves complaint No. 01R-00-R6 and additional concerns identified by EPA. It is understood that this Informal Resolution Agreement does not constitute an admission by TCEQ of a violation of, or a finding of compliance or noncompliance by EPA with, 40 C.F.R. Part 7.
- ~~E. TCEQ is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and the other federal non-discrimination laws enforced by EPA regulations at 40 C.F.R. Part 7. The activities detailed in Section III of this Agreement, which TCEQ has voluntarily agreed to undertake and implement, are in furtherance of this commitment.~~

II. BACKGROUND

- A. On December 21, 2000, EPA accepted complaint No. 01R-00-R6, that alleged discrimination based on race in violation of Title VI and EPA regulations at 40 C.F.R.

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Part 7 relating to the 1999 issuance of a modification of a Clean Air Act (CAA) Permit for a hydrocracker unit at the ExxonMobil refinery in Beaumont, Texas.

B. In response to the complaint described in Section I, Paragraph B, EPA initiated an investigation of TCEQ's compliance with Title VI and EPA regulations at 40 C.F.R. Part 7. The investigation addressed allegations that TCEQ discriminated on the basis of race by allowing ExxonMobil to use inappropriate decreases in its netting calculations for the modification, thereby avoiding a permit hearing, and thus disproportionately denying African Americans the opportunity to participate in the permit process; and issuing a permit modification that resulted in a disparate distribution of the adverse health impacts from the increased air pollution emissions, specifically VOCs, SO₂, PM₁₀, NO_x, and H₂S.

C. TCEQ has timely responded to all inquiries from EPA regarding the complaint and, in addition to numerous meetings and teleconferences, has provided EPA with:

1. over 500 pages of supporting documentation in two letters in response to an EPA inquiry in the latter part of 2010;
2. ExxonMobil's Standard Operating Procedure for Personal H₂S Monitors and Community Action Panel Guidelines; and
3. Information on TCEQ's environmental complaints process, data on the type and quantity of historical environmental complaints, and TCEQ response times in the Beaumont area.

B-

D. EPA acknowledges that since the initiation of this investigation, TCEQ has made changes to public notice requirements which have increased the opportunity for public engagement in the permitting process. Additionally, TCEQ currently requires permit application information and supporting data for netting calculations that was not required in permit applications at the time of the Exxon Mobil Beaumont modification. TCEQ now requires the relevant information necessary to determine whether the appropriate netting exercises were conducted. TCEQ has revised and clarified definitions relating to netting and New Source Review requirements since 2000 to ensure that both industry and the public know what is required during the permitting process. Information is carefully reviewed by TCEQ to ensure that all relevant state and federal requirements are met, including those relating to netting.

E. EPA acknowledges since the initial Title VI complaint was filed, a significant reduction in NO_x, SO₂, and VOC emissions has occurred at the facility, based on company reported emission inventories. ~~T~~Some of these emissions reductions are due in large part to EPA's National Petroleum Refinery Initiative which began in 2000 and resulted in a National Settlement (Consent Decree) with ExxonMobil in December 2005. The Consent Decree required the Beaumont refinery to operate a Wet Gas Scrubber and Thermal DeNO_x system on the Fluidized Catalytic Cracking Unit (FCCU) to control sulfur dioxide, particulates, and nitrogen oxides. The Consent Decree included provisions that reduced nitrogen oxide emissions from selected larger Heaters and Boilers and enhancement to the existing Flare Gas

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Recovery System to minimize routine flaring. However, EPA remains concerned with emissions of PM and H₂S, which have fluctuated significantly from year to year and, in the case of H₂S, is an ongoing concern in the community. Additionally, since the filing of the Title VI complaint:

1. Actual emissions of H₂S have gone down based on emissions inventory reports that the refinery submits to TCEQ every year. Additionally, the ExxonMobil refinery has reduced its allowable permitted levels of H₂S and SO₂ under its flexible permit, reducing the SO₂ cap from 2600 tons to 600 tons and the H₂S cap from 39 tons to 11 tons;
2. The Beaumont area has achieved attainment of all National Ambient Air Quality Standards (NAAQS), including the one-hour ozone NAAQS, and the 1997, 2008, and 2015 ozone NAAQS; and
3. Beaumont was on the Air Pollutant Watch List for H₂S from 2002 until 2009 and for SO₂ from 2003 until 2016. TCEQ established the Air Pollutant Watch List (APWL) to address areas in the state where air toxics were persistently monitored at levels of potential concern. The TCEQ uses the APWL to reduce levels of air toxics by focusing its resources on areas in the state with the greatest need. Beaumont was removed from the watch list for both constituents because there was not an exceedence of the state standard for a significant period of time.

D.

E.F. Also, since the filing of the Title VI complaint, EPA has updated the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for the petroleum refinery sector several times requiring maximum achievable control technology for hazardous air pollutants (HAP) emissions, and more recently the petroleum refinery sector risk and technology review updated the NESHAP rules to require continuous monitoring of benzene concentrations at the fence line to ensure that refineries appropriately manage HAP emissions from fugitive emission sources such as leaking equipment and wastewater treatment operations. This requirement applies to the ExxonMobil Beaumont refinery and other refineries in Texas.

F.G. Further, since the time of the Title VI complaint, the refinery has also received a Plantwide Applicability Limit (PAL) permit for NO_x and VOCs based on its historical baseline actual emissions which were lower than their permitted historical allowable emissions.

H. During the course of the investigation, OCR reviewed the requirements of 40 C.F.R. Part 7, Subpart D that are foundational elements of a recipient's non-discrimination program. These include: the designation of at least one person to coordinate its efforts to comply with its non-discrimination obligations under 40 C.F.R. § 7.85(g); adoption of grievance procedures that assure the prompt and fair resolution of complaints alleging civil rights violations under 40 C.F.R. § 7.90; and, continuing notice of non-discrimination under 40 C.F.R. § 7.95. OCR also reviewed TCEQ's public participation process and whether TCEQ ensures that the public participation process is accessible to limited-English proficient persons and persons with disabilities. Finally, OCR reviewed whether, in general, TCEQ has in place

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procedures, policies, and/or guidance to ensure that it provides meaningful access to limited English proficient persons and persons with disabilities in all its programs, services and activities that receive federal financial assistance from EPA.

G-I. Additionally, during the course of the investigation, complainants have requested additional information on TCEQ's enforcement process as well as the community's involvement in that process.

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III. SPECIFIC TCEQ COMMITMENTS

A. TCEQ shall ensure that:

A. 1. Within 180 days after the effective date of this Agreement:

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- a. TCEQ shall hold a community meeting in the Beaumont area in which the agency explains and takes questions on:
 1. the TCEQ enforcement process, including how to make an environmental complaint, how the agency responds to complaints, and how to follow the status of a complaint once it is made; and
 2. the TCEQ's use of citizen-collected evidence in its enforcement process and how a citizen may participate in that process.

b. At TCEQ's discretion, the agency may hold more than one meeting to cover the above-referenced topics.

A fence line monitoring system is in operation at the ExxonMobil Beaumont Complex to accurately and continuously monitor and record, at minimum, concentrations of hydrogen sulfide and particulate matter (for the reasons identified in II.D) at the Complex limits in a manner approved by EPA.

b. A meteorological system is in operation at the ExxonMobil Beaumont Complex to accurately and continuously detect and record, at a minimum, the wind speed and direction.

2. The real-time and historical data resulting from III(A)(1)(a) and III(A)(1)(b) of this Agreement is made readily available to the general public and also readily accessible to individuals with limited English proficiency and individuals with disabilities.

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3. The real-time and historical data resulting from III(A)(1)(a) and III(A)(1)(b) of this Agreement is made readily available to the ExxonMobil facility staff, with adequate auditory and visual alarms.

4. TCEQ audits and validates the data in section III(A)(1) of this Agreement.

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B. Within 180 days after the effective date of this Agreement, TCEQ shall submit to EPA, for EPA's review and approval, a report of TCEQ's current programs and activities, and plans for future programs and activities, to monitor and abate the effects of air toxics emissions regulated by TCEQ, including hydrogen sulfide, in

communities adjacent to the ExxonMobil Beaumont refinery and, for consistency, all other petroleum refineries in TCEQ's jurisdiction.

- C. TCEQ shall verify compliance of the ExxonMobil Beaumont Complex with all requirements of the new residual risk rules resulting from EPA's Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards (Refinery Sector Rule) within 180 days of the due date for implementation of each requirement. Within 180 days of the verification of the implementation of each requirement, TCEQ shall notify EPA of its completion.

- D.B. TCEQ shall post the reports described in Sections III(A), III(B), and III(C) of this Agreement on its website in such a manner that it is readily accessible to the general public and also accessible to individuals with limited English proficiency and individuals with disabilities.

Non-Discrimination Procedural Safeguards

(Please see attached "checklist" that EPA would like to discuss with TCEQ to determine the current status of TCEQ's non-discrimination program so that the informal resolution agreement will accurately reflect elements TCEQ has already adopted and those TCEQ commits to implement.)

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- E. *Notice of Non-Discrimination under the Federal Non-Discrimination Statutes*

- F. *Grievance Procedures for Complaints filed under the Federal Non-Discrimination Statutes*

- G. *Designation of a Non-Discrimination Coordinator*

- H. *Public Participation*

- I. *Access for Persons with Limited English Proficiency*

- J. *Access for Persons with Disabilities*

- K. *Training*

1. Within 90 days after implementing the deliverables identified in this Agreement related to non-discrimination procedural safeguards, public participation and equal access, TCEQ will ensure that all appropriate staff has been trained on these processes and procedures as well as on the nature of the federal non-discrimination obligations.
2. Within 90 days after execution of this Agreement, TCEQ shall have a plan in place to ensure that the training in Section III, Paragraph K. 1. above is a routine part of the on-boarding process for new employees and is given routinely as refresher training to all employees.

IV. GENERAL

- A. In consideration of TCEQ's implementation of commitments and actions described in Section III of this Agreement, EPA will end its investigation of the complaint No. 01R-00-R6 and not issue a decision containing findings on the merits of the complaint.
- B. EPA will, upon request, provide technical assistance to TCEQ regarding any of the civil rights nondiscrimination obligations previously referenced.
- C. TCEQ will report the completion of each commitment identified under Section III consistent with the timeframes in Section III by certified mail to the Director, EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue N.W., Washington D.C. 20460, within 30 days of the completion by TCEQ of each commitment.
- D. Within 90 days of receipt, EPA will review and provide feedback about any documentation submitted by TCEQ demonstrating completion of each commitment (e.g., evidence of publication of the designation of the Non-discrimination Coordinator) and will provide an assessment as to whether the documentation satisfies the commitment.

V. COMPUTATION OF TIME AND NOTICE

- A. As used in this Agreement, "day" shall mean a calendar day. In computing any period of time under this Agreement, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.
- B. Service of any documents required by this Agreement shall be made personally, by certified mail with return receipt requested, or by any reliable commercial delivery service that provides written verification of delivery.
- C. Electronic documents submitted by TCEQ to EPA via email shall be sent to the following email address: [HYPERLINK "mailto:ocr@epa.gov"]. Documents submitted by TCEQ to EPA shall be sent to the Director, U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue N.W., Washington D.C. 20460.
- D. Documents submitted by EPA to TCEQ shall be sent to the ~~Executive Director Office~~ of Chief Clerk, Texas Commission on Environmental Quality, Mail Code 1059, P.O. Box 13087, Austin, TX 78711-3087.

VI. EFFECT OF THE AGREEMENT

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~~A. TCEQ understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, TCEQ understands that during the monitoring of this Agreement, if necessary, EPA may visit TCEQ, interview staff, and request such additional reports or data as are necessary for EPA to determine whether TCEQ has fulfilled the terms of this Agreement and is in compliance with EPA regulations implementing the federal non-discrimination requirements in 40 C.F.R. Part 7, which were at issue in this case.~~

~~A.~~

B. TCEQ understands that EPA will not close its monitoring of this Agreement until EPA determines that TCEQ has fully implemented this Agreement and that a failure to satisfy any term in this agreement may result in the EPA re-opening an investigation.

C. If either Party desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to TCEQ's program or authorities, or for other good cause, the Party seeking a modification shall promptly notify the other in writing, setting forth the facts and circumstance justifying the proposed modification. Any modification(s) to this Agreement shall take effect only upon written agreement by the Director of TCEQ and the Director of OCR.

D. This Agreement constitutes the entire Agreement between TCEQ and EPA regarding the matters addressed herein, and no other statement, promise, or agreement, made by any other person shall be construed to change any commitment or term of this Agreement, except as specifically agreed to by TCEQ and EPA in accordance with the provisions of Section VI. Paragraph c above.

E. This Agreement does not affect TCEQ's continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA's regulations at 40 CFR Part 7, including § 7.85, nor does it affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

F. The effective date of this Agreement is the date by which both Parties have signed the Agreement. This Agreement may be signed in counterparts. The Executive Director, in his capacity as an official of TCEQ, has the authority to enter into this Agreement for purposes of carrying out the activities listed in these paragraphs. The Director of OCR has the authority to enter into this Agreement.

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On behalf of the Texas Commission on Environmental Quality,

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DELIBERATIVE/PRIVILEGED

02/22/17

| Richard Hyde, Executive Director[Name & Title]

(Date)

On behalf of the U.S. Environmental Protection Agency,

Lilian S. Dorka, Acting Director
Office of Civil Rights

(Date)

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